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STATUS OF PREPARATION OF PUBLICATIONS, STUDIES AND DOCUMENTS FOR THE WORLD CONFERENCE

Report of the Secretary-General

Addendum

1. The attention of the Preparatory Committee is drawn to the attached study entitled "On the relation between development and the enjoyment of all human rights, recognizing the importance of creating the conditions whereby everyone may enjoy these rights", prepared by Mr. Hubert Wieland Conroy. The study was commissioned by the Centre for Human Rights pursuant to General Assembly resolutions 44/155 and 46/116, dated 18 December 1990 and 17 December 1991 respectively.

2. The theme of the study, as the title indicates, corresponds to the second objective of the World Conference on Human Rights, set out in paragraph 1 (b) of resolution 45/155, which reads:

> "To examine the relation between development and the enjoyment by everyone of economic, social and cultural rights as well as civil and political rights, recognizing the importance of creating the conditions whereby everyone may enjoy these rights as set out in the International Covenants on Human Rights".

3. Indicative annotations issued by the Secretariat of the World Conference relating to the theme of the study are to be found in paragraph 7 of document A/CONF.157/PC/20.

ON THE RELATION BETWEEN DEVELOPMENT AND THE ENJOYMENT OF ALL HUMAN RIGHTS, RECOGNIZING THE IMPORTANCE OF CREATING THE CONDITIONS WHEREBY EVERYONE MAY ENJOY THESE RIGHTS

by

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Geneva, March 1993

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I. INTRODUCTION

1. At its forty-fifth session, the General Assembly of the United Nations concluded that, despite the progress made since the proclamation of the Universal Declaration of Human Rights in 1948, the recurrence of violations of human rights and fundamental freedoms and the new challenges that lay ahead called for a review of what had been accomplished so far, in order to determine what remained to be done and to make further progress.

2. The General Assembly's perception could not have been truer or more timely, for in any major human endeavour, such as the full realization of human rights throughout the world, it is highly advantageous to assess from time to time the extent to which the strategies that have been chosen and the ways and means that have been utilized have achieved the relevant goals, so as to make any necessary alterations or, if appropriate, to work out complementary or even alternative courses of action.

3. Every strategy is devised out from a particular perception of the situation at a given point in history and in the light of certain concepts. With the passing of time and man's impact on his own situation, things change and it is not unlikely that the courses of action chosen, the goals set and the original concepts will to a certain extent fall out of step with one another.

4. Nowadays, the situation is substantially different from the situation when the Universal Declaration of Human Rights was conceived and negotiated. The World Conference will be held at a time marked, inter alia*, by the end of the cold war; the process of democratization in eastern Europe, which has coincided with the outbreak of armed conflicts for ethnic and nationalist reasons; the disappearance of the Soviet Union as a super-Power; the fall of the Berlin Wall and the consequent adherence of the German Democratic Republic to the Constitution of the Federal Republic of Germany; the resurgence of manifestations of racial discrimination all over Europe; the emergence and gradual expansion of Muslim fundamentalism; a trend in virtually the whole of the world economy towards recession, particularly in the industrialized countries; a new emphasis on the North-South dialogue; and an increase in migrants from developing countries to industrialized countries.

5. In view of these circumstances, the General Assembly decided, in resolution 45/155, dated 18 December 1990, to convene a high-level World Conference on Human Rights in June 1993 for the essential purpose of "conducting a review of what has been accomplished through the human rights programme and what remains to be done".

6. In keeping with this essential aim, the General Assembly decided that one of the objectives of the World Conference would be "to examine the relation between development and the enjoyment by everyone of economic, social and cultural rights as well as civil and political rights, recognizing the importance of creating the conditions whereby everyone may enjoy these rights as set out in the International Covenants on Human Rights".

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* Emphasis added, except where indicated otherwise.

7. In resolution 46/116, the General Assembly requested the Secretary-General to prepare studies on the objectives of the World Conference and the Preparatory Committee decided, at its second session, that the study on the second objective should also include democracy in relation to human rights and development.

8. Naturally, the relation between the enjoyment of human rights, development and democracy should be examined in the context of the overall review that gave rise to the convening of the World Conference, which immediately suggests that both development and democracy have an impact on the enjoyment of human rights.

9. The General Assembly also recognized, within the same context of the relation between development and the enjoyment of human rights, the importance of creating the conditions whereby everyone may enjoy those rights, something which again suggests that development and the creation of conditions are interrelated and, at the same time, tied in with the enjoyment of human rights.

10. Furthermore, it is worth noting that this second objective of the World Conference views the topic of human rights from the standpoint of the enjoyment of such rights by the human person; and thus it is not confined to the obligations of States.

11. This difference in perspective is fundamental, particularly in the context of the major review the World Conference intends to make, since the ultimate aim of the efforts of the international community is precisely to make sure that the individual effectively enjoys all human rights.

12. The specific obligations of States to respect, promote and protect human rights constitute unquestionably important ways and means and call for the full attention of the international community, but it should not be lost from sight that their raison d'être lies in the individual and full enjoyment of his or her rights and fundamental freedoms. Otherwise, the end could well be confused with the means, and this could distort the exercise and delay the achievement of the goals set.

13. Consequently, the purpose of this study is to examine, from the standpoint of the human person, how development and democracy are tied in with the enjoyment of human rights and could help create the conditions whereby everyone might enjoy his human rights, and what the creation of such conditions would consist of.

14. The first section of this study - taking as its point of departure the assumption that full enjoyment of human rights and fundamental freedoms can only be properly understood by reference to the nature of the human person and to the obligations of State - is divided into two parts. The first part consists of a brief discussion of the nature of the human person, and the second considers the nature of human rights, from both standpoints: that of the individual and that of the obligations of States.

15. The second section contains a discussion of the relation between democracy and the enjoyment of human rights and highlights the fact that this

link reflects the human right to take part in the government of one's country, and that promotion of this right cannot be entirely disassociated from a simultaneous process of development.

16. The third section looks at the relation between development and the enjoyment of human rights, pointing to how each affects the other, and how they can be considered as two sides of the same coin: the full well-being of the individual. This well-being is approached in human rights doctrine from the point of view of its basic components in terms of the inherent dignity of the human person, whereas development, as viewed in the Declaration on the Right to Development, constitutes the process whereby such well-being is achieved.

17. The fourth section contains a brief review of the historical background to the international community's endeavours to create appropriate conditions for the enjoyment of human rights and fundamental freedoms, for it is this background which properly brings out the importance of the World Conference's second objective. The chapter also contains an outline of what the most appropriate conditions should be, both nationally and internationally.

18. The last section contains the conclusions and recommendations reached in this study.

II. ENJOYMENT OF HUMAN RIGHTS

II.1. Nature of the human person

19. As seen in the Introduction, full and effective enjoyment of human rights by everyone is the ultimate aim of all the efforts, both individual and collective, of the international community. In other words, human rights are meaningful to the extent that they are so formulated as to be a comprehensive and balanced reflection of the fundamental needs the individual is entitled to satisfy in order to live a life of inherent dignity.

20. Consequently, a discussion of the nature of human rights in terms of their enjoyment necessarily calls first for a brief discussion of the nature of the individual. This exercise will make for a better understanding of the relation between human rights and the individual and the link between the various human rights.

21. Without any attempt to provide an exhaustive definition of his or her nature, it can be said that the human person is an animate, rational and gregarious being, with two elements that form an indissoluble unity: a body that must be fed, sheltered against harsh weather and kept in good health, and also an incorporeal entity, one manifestation of which is personal conduct.

22. In the context of this study, it should be borne in mind that the human person's needs can be classed as those pertaining to his biological subsistence, and which could therefore be described as material, and those pertaining to the mind, such as the aspiration to justice, freedom, religious belief, a sense of beauty, and so on. Again, it should be borne in mind that there are two inseparable dimensions to the conduct of the human being: the individual and the social.

23. In its individual dimension, the individual's conduct is characterized chiefly by a process of differentiation from other individuals with whom he lives and in this process he develops his own personality by exercising his freedom.

24. In its social dimension, this human conduct is shaped more by a process of integration in the group formed by the other individuals with whom he lives, by learning kinds of behaviour mainly marked by respect for the freedom and the rights of others, as well as by feelings of responsibility, solidarity and belonging to the community.

25. These seemingly contradictory processes are complementary and one goes with the other. A human being can only be an "individual" within a community, because his process of differentiation can, of necessity, take place only in reference to other people. Consequently, it is absurd to try to conceive of the human being merely in his individual dimension, separate from his social dimension.

26. What is more, the process of individualization involves not only a community, but also a process of socialization, for the individual's acts will have an effect precisely on the other members of the community. For this reason, unreasoning exercise of the freedom of the individual, without the slightest trace of respect and responsibility, could have highly adverse effects on the community, and hence on the individuals themselves.

27. As a result, individualization and socialization are two inseparable and simultaneous processes, and exercise of the freedom of the individual cannot conflict with the social or community dimension of the individual.

28. This conceptual approach to the nature of human behaviour takes on special importance in the context of the well-known argument to the effect that only the rights of the individual can be regarded as human rights per se, so that economic, social and cultural rights are nothing more than government aspirations or objectives: important, but in no case are they human rights.

29. As can be seen from the foregoing paragraphs, such an approach to human rights is based on a concept in which the human person is reduced to his individual dimension, which is absurd, since the individual cannot be separated from the community.

II.2. Nature of human rights

II.2.1. Standpoint of the individual

30. From the standpoint of the individual it can be asserted that human rights are all those rights and freedoms which pertain to individuals simply because they are human beings and which are indispensable if human beings are, by exercising their freedom, to live a life of inherent dignity.

31. What is more, inasmuch as human rights in their entirety reflect the various aspects of human nature and are based on the indissoluble unity of

human nature, despite their diversity they also form an indissoluble unity inter se. This unity, logically, can only be characterized by two complementary concepts: indivisibility and interdependence.

32. The concept of indivisibility relates to the unitary character of human rights as a whole, which are rooted in the fundamental unity of human nature, and is to be viewed as the individual's need to enjoy all his human rights so as to live in inherent dignity.

33. The concept of interdependence relates more to the relationship between the various human rights. Since human rights form a whole, this relationship can only mean mutual dependence, inasmuch as either any impairment or advance in regard to one right would affect enjoyment of the whole, and therefore would affect all the other rights. The concept of "interrelationship", which has been used in an attempt to replace that of "interdependence", suffers from the shortcoming that it is not sufficiently precise in indicating how close a link there is between the various human rights.

34. In practice, these complementary concepts mean that greater enjoyment of some rights will make for greater enjoyment of other rights. Conversely, a step back in relation to the enjoyment of some rights will entail diminished enjoyment of others, so the obvious course is to engage in full, active and simultaneous promotion of enjoyment of all human rights.

35. At the same time, neither concept should be interpreted as if lesser enjoyment of some rights could entail or justify a State's decision to deprive its people of enjoyment of other rights or pay less attention to their realization.

36. All human rights are important for the attainment of human dignity, and so the efforts of the international community, both individual and collective, should be fully, actively and simultaneously directed towards promoting the enjoyment of all human rights.

37. However, just as the complementary character of the indivisibility and interdependence of human rights lies in the unitary diversity of human nature, the distinction between the rights of the individual and the rights of the community is based on the twofold dimension of human behaviour - individual and collective - discussed above.

38. The enjoyment of some human rights lies in the power of the individual to demand a particular kind of recognition or treatment from the public authorities in his country. They are, naturally, rights pertaining to the human person as an individual and he can secure recognition of these rights by appeal to the courts. Such rights chiefly include the rights to security and integrity of person, and the civil and political rights set out both in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights.

39. But these are not the only rights that can be enjoyed by human beings as individuals. With the exception of the right of peoples to self-determination; the right of trade unions to form federations and confederations and to function freely; the right of the family to the widest

possible protection and assistance; and the right of a population to free primary education, all the other human rights set out in the International Covenant on Economic, Social and Cultural Rights may be legitimately described as rights of the individual.

40. The difference between these rights of the individual set out in the International Covenant on Economic, Social and Cultural Rights and those set out in the International Covenant on Civil and Political Rights lies not so much in whether they are enjoyed by the individual or the community but the fact that the latter rights can be restored by appeal to the courts, something that still has not been studied in depth in the case of the former.

41. However, it is not a perfectly clear and unambiguous distinction, for some rights set out in the International Covenant on Civil and Political Rights may not form the subject of an appeal, whereas some of those covered by the International Covenant on Economic, Social and Cultural Rights can.

42. This is true of the right of peoples to self-determination, one which, furthermore, appears in both of the International Covenants but not in the Universal Declaration, and true of the political right enunciated in article 25 of the International Covenant on Civil and Political Rights. In the first case, an explanation is totally unnecessary, and the second can easily be explained if we bear in mind that this right presupposes the existence of a particular legal-political system which it would be difficult to create by means of an appeal to the courts in a society which has a different legal-political system.

43. Again, there is no inconsistency in the fact that a right covered by the International Covenant on Economic, Social and Cultural Rights may form the subject of a court appeal in cases in which the individual has suffered treatment contrary to the legislative measures adopted on a particular right, in accordance with the provisions of article 2, paragraph 1, of that International Covenant.

44. It is not inconceivable, for example, that an attempt will be made to pay a worker a wage lower than the legal minimum, or that the self-same worker will be dismissed for having founded or tried to found a trade union, or that an attempt has been made to deny him his lawful social security benefits.

44. These ideas concur with the view of the Committee on Economic, Social and Cultural Rights, namely that "it is sufficient to point to existing practice in many States to demonstrate that a wide range of economic rights are regularly the subject of judicial adjudication" (E/C.12/1992/CRP.2/Add.3, para. 44).

46. In fact, the rights of the individual versus rights of the community dichotomy is more a reflection of a difference in ideological approach than a difference in substance. All human rights can be approached either from the standpoint of the individual or from the standpoint of the community and, as will be seen below, both of these standpoints tend to interweave, clearly reflecting the indivisibility and interdependence of all human rights.

47. For example, the individual's right to demand recognition by the courts of his rights necessarily presupposes the collective right of the society in which he lives to a system of administration of justice, including an appropriate prison infrastructure - that is independent, efficient and impartial.

48. Obviously, such a collective right has not been expressly set out by the Universal Declaration or in the International Covenant on Civil and Political Rights, but it is no less obvious that the right of the individual to appeal to a competent independent and impartial tribunal necessarily involves an implicit collective right to a system of administration of justice that will afford him such guarantees.

49. Nevertheless, this implicit right could be viewed as the obligation that stems from the undertaking "to adopt such legislative or other measures" that is set out in article 2, paragraph 2, of the International Covenant on Civil and Political Rights.

50. Again, it could be part of the "social ... order" mentioned in article 28 of the Universal Declaration, to the establishment of which everyone is entitled, although it is not entirely clear whether this social order is national and international, or simply international. Some commentators, like Eide, consider that "Article 28 calls for reform at the national and international level".*

51. To cite a further example, the individual's right to take a direct or indirect part in the conduct of public affairs necessarily entails the collective right of the whole of society to a political system in which participation by the individual is feasible.

52. Unlike civil rights, this political right of the individual is reflected collectively in the right of peoples to self-determination, by virtue of which "they freely establish their social status", and which is expressly enunciated in both of the International Covenants.

53. Generally speaking, the right of peoples to self-determination can be said to be closely linked to all the freedoms of the individual recognized by the Universal Declaration and by both International Convenants, such as freedom of conscience, freedom of expression and freedom of association. In other words, individual freedom and collective freedom cannot exist without one another.

54. Economic, social and cultural rights do not differ substantially from civil and political rights as far as the possibility of approaching them from both the individual and the collective standpoints is concerned.

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* The Universal Declaration of Human Rights: a commentary, Eide, Alfredsson, Melander, Refoff and Rosas, eds., Scandinavian University Press, Oslo, 1992, p. 438.

55. For example, the right of any person to participate in cultural life means not only that the person concerned must enjoy the individual's freedom to choose to participate in the manner best suited to his interests, preferences or creative ability, but above all that he must live in a free society in which such a cultural life can exist.

56. The right to work in conditions consistent with human dignity also involves not only the ability of the individual freely to choose or accept a job, but also the existence of socio-economic circumstances, in which the possibilities of finding work are real and tangible conditions which could legitimately be demanded by a whole people.

57. The same can be said of the right to a decent standard of living, which is closely linked with the right to work, to the extent that each individual's standard of living tends to be determined largely by the exercise of his right to work.

58. Over and above the difference in standpoint referred to above, indivisibility and interdependence are also reflected in the dynamics of the exercise of the whole range of human rights.

59. The political and legal measures taken by Governments throughout their terms of office affect sectors of their populations of varying sizes, or even the population as a whole. However, it is for each individual to exercise his own free will in order to derive the greatest benefit, through his own efforts, from the socio-economic conditions created by his Government.

60. At the same time, if the measures in question do not prove to be the most appropriate, individuals should be able, through membership of interest or pressure groups or political parties, i.e. through the exercise of their political rights, to demonstrate to their Governments the shortcomings in their policies and demand changes more favourable to themselves.

61. In other words, people feel affected as individuals by the results of their Governments' socio-economic policies, but it is as groups that they react to such policies and call for the appropriate changes, through the exercise of their political rights in particular.

62. As will have been realized, the way in which the exercise of economic, social and cultural rights necessarily involves the exercise of civil and political rights, and vice-versa, clearly reflects the indivisibility and interdependence of all human rights.

63. It is also particularly interesting to note how the indivisibility and interdependence of human rights again becomes clear in the work of the committees set up under the two International Covenants. According to the report of the seventh session of the Committee on Economic, Social and Cultural Rights, "the Human Rights Committee has already succeeded in shedding considerable light on issues dealt with in the Covenant on Economic, Social and Cultural Rights simply because those issues have been found to be intimately related to matters arising under petitions submitted in relation to the Covenant on Civil and Political Rights" (E/C.12/1992/CRP.2/Add.3, para. 31).

64. Another factor demonstrating the indivisibility and interdependence of such rights is the fact that individuals living in circumstances of extreme poverty, in developing as well as in the most industrialized countries, do not, simply because they are poor, exercise their economic, social and cultural rights, still less their civil and political rights. This much is stated in the section on extreme poverty of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities' Special Rapporteur on the realization of economic, social and cultural rights (E/CN.4/Sub.2/1989/19, paras. 42 and 43).

65. Finally, it should be noted that human rights doctrine covers not only rights but also duties, which are an integral part of human rights doctrine and of no small importance because they are embodied in two articles of the Universal Declaration.

66. It should be made clear from the outset that these are duties of individuals towards one another and not of the individual towards the State. Consequently, references to the duties of the individual in the context of human rights cannot, under any circumstances, be interpreted as meaning that the State is obliged to respect the rights of individuals only in so far as individuals discharged their duties towards the State, or as an attempt to divert attenton from the State's fulfilment of its obligations.

67. The basic nature of these duties is clearly stated in article 1 of the Universal Declaration "All human beings ... should act towards one another in a spirit of brotherhood", words which take on their full significance in the question of poverty.

68. Just as important is article 29, paragraph 1, of the Declaration which states "Everyone has duties to the community in which alone the free and full development of his personality is possible"; the significance of this will be dealt with in the section on democracy.

II.1.2 Standpoint of the State

69. From the standpoint of the State human rights and fundamental freedoms constitute a set of international legal obligations, and scrupulous compliance with them is essential if individuals are fully to enjoy those rights and freedoms through the exercise of their own freedom.

70. As may be imagined, the clearest and most obvious obligation of States is to respect, i.e. not to violate, the human rights and fundamental freedoms of individuals living in the territory under their jurisdiction, including of course all minorities and aliens, whether resident or transient.

71. Strictly speaking, a State commits a violation of human rights when it intentionally and voluntarily sets its security forces upon all or part of its people; deprives its people of the resources necessary to ensure a minimum standard of living, thus creating a situation of consistent gross and flagrant violations; impedes the normal administration of justice; or permits groups or individuals whose acts it is aware of and is in a position to prevent, to

commit with impunity, either in the name of the State or in their own name, acts punishable by law against individuals or groups of the society in question.

72. The intentional nature of the acts of aggression against a population is the main, although not the only, factor in identifying a violation of human rights and, at the same time, in understanding the perception that a population can continue to enjoy its human rights as long as the State refrains from acting.

73. It is quite clear that, if the cause of violations lies in the intentional acts of a Government, the population can enjoy its rights only in so far as the Government refrains from taking action against it. In other words, observance of human rights would seem to be equivalent to declining straightaway to carry out intentional acts of aggression.

74. However, as seen above, violations can also stem from acts of aggression committed by third parties of which the State is not only aware, but is quite capable of controlling. In such cases, the violation lies, on the contrary, in the failure of the State to act in order to prevent such acts of aggression.

75. The expression of the will of the State could be sufficient to halt such acts of aggression, particularly when they are encouraged or instigated by the State itself. However, the possibility cannot be ruled out that a State may be compelled to use force in order to put an end to such criminal activities - exactly the opposite of the State refraining from taking action.

76. The civilian population may on occasion also be subjected to attacks by subversive groups which the Government in question is unable to stop. In such cases, the State finds itself unable, despite any political will to do so, to fulfil its international legal obligations with regard to human rights by not being in a position to afford proper protection to its people. However, the difficulties in the way of strict compliance with such international obligations cannot under any circumstances reduce the State's legal responsibility in the matter.

77. Reference is made to this last type of situation to demonstrate the importance of the evaluation which the World Conference will have to make, since all legal doctrine in the area of human rights is based on the assumption that the State, through the Government, forms a monolithic entity within a society and is genuinely capable of exercising real control throughout its territory.

78. It has become clear that Governments do not necessarily have control over all the forces within the State, as in the case of the armed forces in many countries; that within all societies there are interest groups able to exercise more power than the Government itself and thus to influence its political options; and that the State is not in a position to exercise effective control throughout its territory, as is the case in many developing countries.

79. Clearly, this is a type of situation which was not necessarily contemplated in the various major schools of thought in vogue at the time when the Universal Declaration of Human Rights and International Covenants were conceived, drafted and negotiated, and which must now be given proper attention.

80. Another aspect which also seemed to have been overlooked in the conceptual approach adopted at the time and which must also be subjected to proper examination is the role played by the individual in the perpetration of human rights violations.

81. In this regard, particular emphasis should be placed on the fact that, despite the widespread belief that only States can violate human rights, since States alone can be subject to international legal human rights obligations, it is always individuals who perpetrate violations of such rights and a State accused of violating human rights will tend to be considered as the violator until the individuals involved in the acts have been brought to justice and punished in accordance with the law.

82. This tendency can be seen quite clearly in the Sub-Commission on Prevention of Discrimination and Protection of Minorities, whose members pay increasing attention to the question of the impunity and responsibility of individuals. This suggests a link between individual and State responsibility which must, as already stated, be subjected to careful scrutiny.

83. As noted at the beginning of this section, the primary obligation of States is to respect, i.e. not to violate, the human rights of all those living under their jurisdiction, and for this the genuine political will to respect, i.e. not to violate, rights is essential. But it was also seen that it is not always enough for the State simply to refrain from acting in order to ensure effective observance of human rights and that it was precisely such action which was needed.

84. On the other hand, it is clear that the observance of human rights as the ultimate objective of the international community is insufficient as a basic concept for effectively articulating what must be done to promote the full enjoyment of all human rights.

85. Despite its paramount importance, observance does not always or in all cases mean enjoyment, particularly when there is no clear consensus among the members of the international community on the "human right" character of many of the rights embodied in the Universal Declaration and the International Covenants on Human Rights.

86. Over and above States' observance of human rights, the ultimate objective of the international community must be the actual enjoyment of all human rights by individuals, which also entails the obligation of the State to refrain from acting in some circumstances and to act decisively and constructively in others.

87. This obligation on the part of the State to take action to ensure the enjoyment of human rights - action which is not limited exclusively to the passage of legislation - is clearly stated in article 2 of both International Covenants.

88. In the International Covenant on Economic, Social and Cultural Rights, States undertake "to take steps, ... with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures".

89. In the International Covenant on Civil and Political Rights, States undertake "to take the necessary steps, ... to adopt such legislative or other measures as may be necessary to give effect to the rights recognized in the present Covenant".

90. Consequently, one of the State's obligations is to act in order to prevent the various acts of aggression which groups or individuals may commit or to punish such acts when committed. This presupposes a system for the administration of justice with everything necessary, including an adequate police force and prison infrastructure, to initiate and complete an investigation and to prosecute, bring to trial and punish those responsible.

91. In other words, the obligation to establish and maintain a full and adequate system for the administration of justice and the obligation not to interfere with the rulings of such a system are obviously necessary so that individuals may enjoy their civil and other rights.

92. However, the obligations of States do not stop at those which we have just discussed and which relate primarily to the fundamental right to life and the right to the proper administration of justice, which are an important part of the content of the International Covenant on Civil and Political Rights.

93. Despite its importance, full compliance with these obligations would not be enough to guarantee the enjoyment of all other human rights and fundamental freedoms, since the enjoyment of each right or group of rights involves separate government obligations.

94. Thus, with regard to political rights, the obligation of the State is, first, to provide the option of a political system based on popular participation in government management, through the possibility of access to public office and through government representatives elected freely and at regular intervals; and, secondly, and as a result of the above-mentioned option, to promote and maintain a legal system allowing for such participation by individuals.

95. As to economic rights, the State's obligation is not to maintain the entire population free of charge, but to take political, legal, fiscal, monetary, trade (tariff and non-tariff) and tax measures which encourage private initiative and help to increase productivity and trade, both nationally and internationally, for the purpose of creating greater wealth,

thus enabling the entire population to provide itself, through its own individual and collective efforts, with whatever it needs to enjoy an adequate standard of living.

96. As far as social rights are concerned, the State's obligation is to take political and legal measures to guarantee adequate minimum working conditions; to allow for the exercise of normal trade union activities, including the right to strike; and to make available a social security system, within the possibilities and limits of the organization and resources of the State, so that individuals may live in decent conditions and find a source of income that makes government services unnecessary.

97. In respect of cultural rights, the State's obligation is to take political and legal measures to guarantee full freedom of expression and cultural identity for all population groups, as well as mutual respect among such groups for their respective cultures.

98. It is also an obligation of the State to take the necessary measures so that all individuals may have access to increasingly higher levels of education in order to improve their standard of living or promote their own personal development. Account should also be taken of the importance of access to education in connection with the enjoyment of political rights, since higher levels of education afford greater opportunities for direct participation in public affairs and for a critical and constructive contribution to the national debate on matters of public interest.

99. In addition, knowledge by individuals of their human rights is a prerequisite for them to be able to exercise these rights and demand that they be recognized and respected.

100. As has been seen, the obligations of States with regard to human rights are not only to respect such rights - and this requires unswerving and transparent political will, but also to act and adopt various types of measures for the ultimate purpose of enabling individuals to enjoy their human rights or, in other words, to create the necessary conditions so that all persons may enjoy such rights and fundamental freedoms.

III. DEVELOPMENT AND HUMAN RIGHTS

101. Development is one of the international community's most important concerns. As we saw at the beginning of this study, concern about development was alluded to in the Constitution of the International Labour Organisation and expressed more fully in the Charter of the United Nations. Later, it took shape with the establishment of international organizations of a universal character such as the ILO, the World Bank, UNCTAD, FAO, IFAD, UNDP and UNIDO, as well as multilateral initiatives such as the United Nations Development Decades.

102. So far, there has been and continues to be a tendency to approach the problem of development primarily from the economic point of view, with emphasis on the need to promote the speediest possible growth of the economies

of the developing countries on the basis of the idea that such growth will necessarily and almost automatically lead to the general well-being enjoyed in the industrialized countries and the resulting elimination of poverty.

103. There can be no doubt that the ultimate objective of this approach to development is the general well-being of individuals and the resulting eradication of poverty, but the extent to which priority tends to be given to the promotion of economic growth, usually on the basis of predominantly economic and bookkeeping criteria in which the individual is regarded as no more than one variable among many and not as the raison d'être of all economic activity, would seem to suggest that economic growth is not only a means - and certainly a particularly important one - of achieving development, but also an end in itself to which the individual is subordinated.

104. This is the conclusion that seems to follow from the fact that the structural adjustment measures that have been implemented in developing countries to make them eligible for international financial cooperation have generally had extremely adverse effects on the enjoyment of the economic, social and cultural rights of large sectors of the population of those countries and, in particular, the poorest sectors.

105. Such adjustment measures involve cuts in public spending that usually take place, on the basis of Government decisions, in the areas of food, public health and education. These are basic necessities for the less privileged sectors, which are thus forced into human degradation from which it is very hard for them to get out if they are poorly nourished, live in precarious health conditions and have only a basic education that would enable them only with great difficulty to play a dignified, active and productive role in the national economy.

106. It is very sad and hard to say so, but, in the end, it is almost always the poor who gratuitously pay the price of any adjustment process designed to promote the growth of a local business sector which will probably never personally experience the suffering that the poorest population groups have to endure.

107. It must also be borne in mind that, as a possible and unintentional result of structural adjustment measures, the deepening of poverty may have the added disadvantage of giving rise to and aggravating social tensions that create an atmosphere of economic and political instability, and, in extreme cases, this may lead to criminal and political violence that does nothing to promote a climate favourable either to economic growth or to any type of development, much less to the realization of any human rights.

108. Ultimately, it is not a mistake to assume that the promotion of measures that heighten social tensions is tantamount - unintentionally, of course - to the indirect promotion of forms of social control which are based on repression and force rather than on consensus in maintaining law and order and which usually adversely affect the enjoyment of civil and political rights.

109. However, the limitations of a concept of development based exclusively on economic growth in no way mean that such growth should stop being promoted as

a matter of priority. Economic growth continues to be a factor without which there can be no development of any kind, but the problem is to decide what role the individual can play in promoting economic growth.

110. In other words, should we continue to promote economic growth models that inevitably exclude the poorest sectors of the population, in the hope of being able to incorporate them at the end of the process, or should we instead promote a growth pattern in which those sectors of the population may participate actively from the very beginning of the process?

111. Until now, we have seen a pattern in which the individual is for all intents and purposes reduced to a mere economic variable and in which the criterion of effectiveness is stated more in terms of accounting profitability than of human well-being. In other words, the fact that all the companies in the country have a positive balance sheet would, in the long run, appear to be more important than the fact that larger or smaller sectors of the population, have little or very little to eat.

112. The other alternative is obviously the opposite one, i.e. to try to incorporate the individual in the pattern of economic growth from the very beginning and, for this purpose, it is essential to take a radically different approach to the problem of development and understand that it is a lengthy process requiring large initial investments which can be recovered only in the medium and long terms, but which usually have a very positive impact in the short term.

113. The idea would be to design a development model in which the necessary incentives for private enterprise do not involve an immediate worsening of the conditions in which the poorest sectors of the population usually live. Such a development model might include public investments, both direct and through subsidies, in food, health, education and housing, for the purpose of immediately eliminating the suffering of the poor, restoring their human dignity and offering them the necessary opportunities so that they can play an active and dignified part not only in the process of economic growth, but also in all spheres of social life.

114. As stated in the 1992 UNDP Report: "Healthy and educated people can, through productive employment, contribute more to economic growth" (p. 12). Education is of capital importance not only because it provides a more skilled and consequently more efficient labour force, but also because it creates the initial conditions for the development of a country's own technology. It should be recalled in this connection that the South-East Asia "tigers" owe much of their success to substantial investments of this kind, particularly in education.

115. It is very likely that not everyone can immediately be incorporated into economic activities, since the necessary training time can vary from case to case, but the climate of economic and political stability resulting from a substantial reduction of social tensions will, between the short term, and the medium term lead to a healthy increase in private investment of all kinds.

116. Naturally, this human approach to development involves three basic conditions: First, the Governments and privileged classes of the developing

countries have to share the same firm political will to implement such a model by preventing resources from being used for unnecessary and personal purposes that have nothing to do with the common good; second, the international community and in particular the Governments of the industrialized countries and the international financial institutions also have to agree to make the necessary technical and financial cooperation available to the developing countries by means of comprehensive and balanced development projects, bearing in mind that such expenditure can be recovered only over the long term; and, third, there has to be a genuine liberalization of the international market in order to stimulate the developing countries' economic growth. In this connection, it is not irrelevant to note that, according to the 1992 UNDP Report, "global markets are neither free nor efficient" (p. 1) and less than 7 per cent of world trade fully complies with the principles of GATT (p. 76), which was set up precisely to liberalize trade.

117. Such an approach to development, characterized by emphasis on participation by the population in the process of economic growth, as described above, is fully in keeping with the spirit of the 1986 Declaration on the Right to Development, according to the preamble of which the international community recognizes that "the human person is the central subject of the development process and that development policy should therefore make the human being the main participant and beneficiary of development".

118. Since the ultimate objective of development is the well-being of the individual and such well-being can be defined only on the basis of the complex unity of human nature, it may be inferred that the well-being of the individual is not simply a matter of economic well-being and that, consequently, development is not simply a matter of economic growth.

119. The human being has not only a body to feed, but also a spirit to nourish, and its nature, as we have seen in the section on the individual, also has two inextricable dimensions, one individual and the other social, so that the well-being of the individual must necessarily reflect the well-being of each of the different aspects of human nature.

120. Well-being sought through the process of development is thus much more than mere economic well-being, which is necessary in itself, but may not be enough without the satisfaction of other needs that are peculiar to the diversity of human nature, such as the exercise of freedom, the possibility of deciding one's own fate and of contributing to the determination of the fate of one's own group, the feeling of security derived from the rule of law, respect for one's cultural identity, etc.

121. There is thus an obvious link between the concept of development based on the full well-being of the individual and the doctrine of human rights: the raison d'être of both concepts is the individual and their purpose is the individual's full well-being.

122. The main difference between the two concepts is that, from the human rights point of view, well-being is considered in terms of basic components

that are essential so that the human person may live in accordance with his inherent dignity, while, from the development point of view, well-being is considered in terms of the process whereby such well-being is achieved.

123. In other words, the basic components of well-being that reflect the various aspects of human nature are the rights embodied in the Universal Declaration and in the International Covenants on Human Rights, i.e. civil, cultural, economic, political and social rights.

124. From the other point of view, the process whereby such rights are realized and enjoyed is development, which must be understood in the broad sense as "a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom" (second preambular paragraph of the Declaration on the Right to Development).

125. This approach to development is in keeping with that proposed in the most recent UNDP reports, which introduce the idea of "human development", whose main virtue is that it restores the human dimension to the problem of development by stressing that the ultimate purpose of development is the full well-being of the individual. Those reports have defined human development as the "process of enlarging the range of people's choices - increasing their opportunities for education, health care, income and employment, and covering the full range of human choices, from a sound physical environment to economic and political freedoms" (1992 Human Development Report, p. 2).

126. This definition, which calls for in-depth consideration of the human dimension of development, is broad enough and flexible enough to cover any elements that may have an impact on the achievement of human dignity. Such elements include the need for a sound and balanced environment and the realization of a right that is as subjective, but also as unquestionably necessary, as the exercise of freedom.

127. Lastly, a distinction must be made between developed countries and industrialized countries, since industrialization may be a process which, if its human dimension is removed, can lead to the weakening of feelings of human solidarity and to the encouragement of feelings of isolation and alienation, as shown by the existence of significant levels of poverty in highly industrialized countries.

128. The mere fact that, in various industrialized countries, more or less substantial sectors of the population live at different levels of poverty would seem to indicate that, in those countries, there is still some way to go before human development reaches the same level as economic development.

129. From the instrumental point of view, development and human rights are directly related, for, in most cases, the fulfilment of the obligations of States in that regard means that there have to be certain conditions which can be created only through investments of public funds.

130. Thus, as seen in the section on the State viewpoint, the possibility of enjoying civil and other rights implies that there has to be a complete and efficient system for the administration of justice and this in turn means that there has to be a judicial bureaucracy, including the logistical infrastructure and adequate staff (judges, clerks, etc.), a properly trained and remunerated police force, so as to avoid corruption, and a suitable prison system. As may be imagined, such a system for the administration of justice unfortunately does not come free of charge; rather, it costs a great deal of money.

131. Naturally, what obviously does not cost any money is the genuine political will not to commit acts of torture, not to make people disappear and not to subject persons to summary trials which, in many cases, lead to arbitrary executions. Unfortunately, this political will, which is essential in order to avoid such violations, is not enough to guarantee the enjoyment of most other human rights, particularly the so-called civil rights.

132. In this connection, it is interesting to note that, in its resolution 1992/51, which it adopted without a vote at its forty-eighth session, the Commission on Human Rights recognized, that "the development and strengthening of the rule of law with a view to ensuring respect for human rights and fundamental freedoms may lead to problems arising from the lack of adequate human, material and financial resources ...", an idea which highlights the importance of adequate resources for the realization of human rights in general and of civil rights in particular, since respect for those rights requires the establishment of the rule of law.

133. Something else that costs nothing despite assertions to the contrary is granting the right to vote, but it does cost money, and large amounts of it, to establish and maintain an electoral system with the requisite logistical infrastructure and staff to guarantee that the right to vote can be fully exercised in all parts of a country.

134. It will be seen that the enjoyment of civil and political rights involves an obligation on States to invest substantial resources to maintain the infrastructures referred to above, and so, promoting and protecting them do not, contrary to what some persons may think, come free of charge. The obligations of States involve investments and investments mean availability of funds and this highlights the primary relationship between development and human rights.

135. Since the State is not, at least in principle, an entity that creates wealth, it must obtain the necessary resources to bear the cost of national public expenditure from its own national economy, through taxation. If the national economy is vigorous, the State may have the necessary resources to bear the costs, as described above, of its obligations with regard to human rights, but, if it is a developing country with a weak and poor economy, the resources available to it will tend to be proportionately smaller.

136. Consequently, a country's level of economic development may affect the Government's ability to make the necessary public investments to comply with its international obligations in respect of the promotion and protection of human rights and, in particular, as has been seen, civil and political rights.

137. At the same time, it should be made clear that effective government action to promote the enjoyment of human rights does not depend exclusively on greater or smaller resources. It also depends on the unswerving and transparent political will to use such resources as effectively as possible for the common good, and the fact that fewer resources are available in no way means that States have fewer legal obligations with regard to human rights.

138. A second relationship between development and human rights can be seen from an examination of how economic, social and cultural rights are enjoyed.

139. The enjoyment of most of these rights depends, on the one hand, on each individual's ability and preparedness to work and thus to enjoy, as a result of his own efforts, a satisfactory standard of living, and on the other, on his living in a country whose economy is sufficiently developed to provide work for the majority of the labour force.

140. The greater the level of economic development, the greater and better the opportunities for each individual to find work and to enjoy these rights. However, if on the contrary the country has a nascent economy, individuals are much less likely to have any real opportunity of finding work.

141. Moreover, in a flourishing economic environment, physical and mental health services, social security and education will tend to be more efficient, diversified and accessible, in both urban and rural areas.

142. Thus it is apparent that, a country's level of development has a direct and proportional impact on the opportunity for individuals to enjoy their economic, social and cultural rights.

143. We have so far outlined the link between the impact of development, expressed in economic terms, and the enjoyment of human rights. However, this impact also expresses itself the other way round, i.e. the impact of respect for human rights on the promotion of development, which leads us to a third relationship between development and human rights.

144. The rule of the law and the existence of a State governed by law underpinned by full respect for civil and political rights are factors that tend to help create and preserve a situation of peace, order and stability, which is highly beneficial to the promotion of investment and to a country's economic growth.

145. At the same time, full observance of civil and political rights would ensure a climate of freedom in which individuals would be able fully to develop all their creative faculties, which could have an extremely constructive influence on the entrepreneurial class and on its economic growth.

IV. DEMOCRACY AND HUMAN RIGHTS

146. According to Abraham Lincoln's formula, which is both the simplest and the most comprehensive, democracy is "government <u>of</u> the people, <u>by</u> the people, and <u>for</u> the people", and its sole foundation is the simple premise that no one knows better how to administer, further and defend a person's interests than

that person himself. It would be quite incongruous to assume that a people might wish to govern itself to the detriment of its own interests and in order to bring about its destruction. Hence it may legitimately be inferred that what peoples seek, through governing themselves, is their own well-being.

147. At this point it is worth emphasizing that the objective both of democracy and of development is human well-being, the most comprehensive definition of which is enshrined in the doctrine of human rights. It is also worthwhile drawing a parallel between Lincoln's approach to democracy and UNDP's approach to development, namely development of people for people by people (p. 19), so that democracy and development would appear to be different forms of human freedom: of political freedom and of social and economic freedom.

148. Nevertheless, a people would be unable to govern itself if it were subject to a will other than its own, for in that case it would not be government "of the people and for the people" but rather government of the said people by an alien will, and that would no longer constitute a democracy. Consequently, in order for a people to govern itself it must be its own master, i.e. it must of necessity be free.

149. This view of a people's freedom to govern itself has been taken up and enshrined in human rights doctrine as the right to self-determination, whereby all peoples may "freely determine their political status and freely pursue their economic, social and cultural development". (article 1, paragraph 1, common to both International Covenants on Human Rights).

150. Furthermore, a people is unable freely to decide its destiny if, at the same time, the individuals who constitute it are not free also. This means that freedom is inherent in human beings, in both their individual dimension and their social dimension.

151. Human beings are free to decide their own destiny, although democracy signifies something more than freedom to govern oneself, for that very freedom could induce individuals to decide not to concern themselves with public affairs and to delegate responsibility for them to others. The roots of such a choice would clearly lie in human freedom, although it cannot be ruled out that, once government responsibility has been vested in others, the latter may end up by exercising authority for different reasons. Accordingly, democracy signifies not only the possibility of governing oneself, but the very act of self-government.

152. In actual fact, to live democracy to the full it is not sufficient to enjoy the freedom to choose democracy. It is essential effectively to choose it by constantly making use of it, which means that the people as a whole, or at least a significant majority, continually participate in public affairs. Hence the importance of organizing periodic elections in which a majority of the electorate participate, as a minimum for guaranteeing that democracy remains operative at all times.

153. In the long run, a democracy in which participation by the people tended to be confined merely to voting could run the risk of becoming a form of dictatorship by a political bureaucracy, albeit a democratically elected one.

Such a state of affairs could limit participation by the population during the period of office of the newly elected Government and lead to diminished interest by the population in their country's political affairs.

154. Such a trend seems to be discernible in some countries, in particular those that have attained a high level of industrialization, and where Governments are generally elected by a majority of the votes cast by an alarming small percentage of the electorate, a phenomenon which in the long term could raise disturbing doubts about the legitimacy of those Governments.

155. The concept of participation referred to in previous paragraphs has been taken up and enunciated in human rights doctrine in article 21 of the Universal Declaration, the first paragraph of which states that "Everyone has the right to take part in the government of his country, directly or through freely chosen representatives". Similarly, article 25 of the International Covenant on Civil and Political Rights recognizes the right of every citizen "to take part in the conduct of public affairs, directly or through freely chosen representatives."

156. If the exercise of democracy by means of active and continual participation is, as we have seen, a singularly important factor in maintaining a full and vital democracy, it may be inferred that participation is not only a right, but also, in a manner of speaking, a duty of individuals towards the other members of their community. If democracy has been defined as the government of the people by the people, any government "of the people" in which the people itself took but a small part would be a contradiction in terms, just as the fullest possible participation appears to be a prerequisite for democracy to be fully attained.

157. This close bond between right and duty, within the context of democracy, clearly underlies article 29 of the Universal Declaration of Human Rights, the first paragraph of which states that "Everyone has duties to the community in which alone the free and full development of his personality is possible."

158. According to this article, a person may only freely and fully develop his personality within a community, which means above all that it is impossible to conceive of the human person outside a social context, i.e. as a monad devoid of any collective dimension. However, the community has to be one in which "the free and the full development of his personality" is possible, i.e., it has to be a community in which freedom prevails.

159. Nevertheless, the existence of duties towards the community is neither gratuitous nor attributable to chance, as if it made no difference whether the duties are fulfilled or not. Quite the contrary, it is precisely because they carry out such duties that human beings are able freely to develop their personality. If this were not so, the reference to duties would be meaningless, and it may be inferred that individuals must discharge their duties towards the community as a prerequisite for them to be able freely and fully to develop their personality.

160. In a democratic environment, in addition to the unquestionable duty to respect the freedom and rights of others, one of the duties of every

individual is to participate, in accordance with his own conscience, in the public affairs of his community, for democracy is, by definition, maintained by such participation.

161. Clearly, not everyone can hold public office, even at the local level, although everyone can take part, show an interest in and keep abreast of the course of public affairs and engage in constructive criticism by expressing his opinions, directly and personally when the level and circumstances permit, or through the press and various political parties, and interest, pressure or other groups.

162. Naturally, the possibility of being kept duly informed depends on a number of factors. First of all, government activity must be conducted, in principle, with the utmost transparency; second, there must be a free press capable of providing reliable information on all aspects of governmental activity; third, there must also be an extensive network of communications to allow all the information provided by the press to reach every corner of the country.

163. However, this is not sufficient, since being duly informed means not only having access to the relevant information but being able to understand it and treat it critically and constructively. With the exception of measures that can have an immediate impact on a person, such as a rise in food prices, a minimum of education is usually required in order to be able to understand the scope of a particular governmental decision, or the overall effects of applying a political party's governmental policy should the party win the elections and take power.

164. A suitable academic and civic education is thus essential in order to play a creative and responsible role in a democracy. We should recall that the right to receive a free primary education, which involves public spending, has been expressly recognized both by article 26 of the Universal Declaration and by article 14 of the International Covenant on Economic, Social and Cultural Rights.

165. Inevitably, a satisfactory education requires a proper diet and a minimum level of health, which in turn requires that resources be available, if not from the State, then certainly from individuals.

166. It should also be mentioned, in passing, that the creation and maintenance of an efficient communications network, which is a basic requisite for democracy to function properly in any country, also entails a significant investment of State resources.

167. At this point mention must be made of those sectors of the population who survive in poverty and extreme poverty. As a result of their very status as "the poor" they generally remain, albeit involuntarily, on the fringe of any political and social process. The poor frequently lack a basic education and their diet, health and housing are extremely precarious. Hence they are unable to enjoy either their economic, social and cultural rights, or their civil and political rights (see para. 64).

168. It is no less true, as Barsh has observed, that "without growth and redistribution, however, most groups will continue to lack the means to effectively participate in a democracy. Until there is relatively widespread enjoyment of health, literacy, and basic economic security, a truly representative democracy cannot exist."*

169. Again, access to information and to higher levels of education is not a service usually offered free of charge by the State, so such access calls for a certain level of income. Consequently, a minimum economic level and a minimum of economic stability are necessary for individuals to enjoy access to services that are of the greatest importance for full and productive participation in a democratic society.

170. As to the relationship between democracy and development, the debate could be broken down simply into two extremes: on the one hand, those who consider that democracy is a decisive factor for economic growth, and on the other, those for whom democracy would only be possible on the basis of a minimum level of economic well-being.

171. As in most debates, truth lies at some point between these two positions. Democracy is undoubtedly a positive factor for development to the extent that it involves a political and legal framework within which it is possible fully to exercise the freedom of the individual and to achieve the greatest transparency of governmental action as well as better monitoring of such action by the population.

172. However, experience has shown that some countries' economies have experienced successful growth under regimes that combined political authoritarianism with pronounced economic liberalism. Moreover, it cannot be said that a changeover to democracy leads to the immediate emergence and development of an entrepreneurial mentality, particularly in the case of a people undergoing a change from a regime in which the State has for some time monopolized the major part of economic activity.

173. Even more so, a change from a repressive regime to a democratic kind of society tends to permit the full emergence of social contradictions that were previously suppressed by force, thereby creating a climate of both political and economic instability, and in extreme cases, of armed conflict.

174. In any event, the mistake to be avoided at all times is the assumption that so complex a problem as the realization of all human rights can be solved by one single approach, whether it be development or democracy. Complex problems are as a rule solved by approaches which coherently and harmoniously combine a number of variables.

175. In this regard, the Committee on Economic, Social and Cultural Rights has pointed out "that full realization of human rights can never be achieved as a

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* Barsh, R. "Democratization and development", Human Rights Quarterly, vol. 14, No. 1, February 1992 (p. 133).

mere by-product, or fortuitous consequence, of some other developments, no matter how positive. For that reason, suggestions that the full realization of economic, social and cultural rights will be a direct consequence of, or will flow automatically from, the enjoyment of civil and political rights are misplaced." (E/C.12/1992/CRP.2/Add.1, para. 3).

176. However, the idea voiced by the Committee is not a new one, as we may observe by recalling the words of President Franklin D. Roosevelt in his address to the United States Congress on 1 January 1944: "As our nation has grown in size and stature, however - as our industrial economy expanded - [these] political rights proved inadequate to assure us equality in the pursuit of happiness. We have come to a clear realization of the fact that true freedom cannot exist without economic security and independence. 'Necessitous men are not free men'. People who are hungry and out of a job are the stuff of which dictatorships are made." (90-I Cong. Rec. 55, 57 [1944])

177. Consequently, the most reasonable median middle-of-the-road choice would be to fully promote the simultaneous development of democracy and of the economy, in order to preserve both political and economic stability, which must in the long run lead to the mutual strengthening both of democracy and of economic development.

178. As the Secretary-General of the United Nations himself pointed out: "Political progress and economic development are inseparable: both are equally important and must be pursued simultaneously. Political stability is needed to develop effective economic policies, but when economic conditions deteriorate too much, ... divisive political strife may take root" (A/47/1, para. 64).

V. IMPORTANCE OF CREATING CONDITIONS

V.1. Historical background

179. The importance of creating the conditions in which everyone may enjoy his economic, social, cultural, civil and political rights was first demonstrated when the International Labour Organisation (ILO) was established at the end of the First World War in 1919 as a result of the international community's concern to create conditions so that mankind might live in peace and security.

180. According to the original ILO Constitution, "universal and lasting peace can be established only if it is based upon social justice". This idea may rightly be regarded as the precursor of human rights, especially economic, social and cultural rights.

181. On the basis of 25 years of ILO experience, the international community not only adopted the fundamental principles on which the work of the Organisation was based, at the 1944 Philadelphia Conference, but also went one step further by introducing the concepts of "rights" and "conditions" for the realization of such rights.

182. Anticipating the proclamation of the Universal Declaration of Human Rights, the international community affirmed in section II (a) of the

Philadelphia Declaration that "all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity".

183. This point is fundamental, since the idea of social justice in this important Declaration is not simply a matter of the formulation of a right. The Declaration quite clearly states the conditions in which the realization of this right is genuinely and actually feasible.

184. Thus, the right in question is that of all human beings "to pursue both their material well-being and their spiritual development" and the necessary conditions so that this right can genuinely and actually be achieved by all human beings, through their own efforts, are freedom, dignity, economic security and equal opportunity.

185. In other words, it has been clear since that time that the recognition of a right and the existence of conditions for its realization are an indivisible conceptual whole and that the continuation of poverty, according to the Philadelphia Declaration, constitutes "a danger to prosperity everywhere".

186. Of course, the need for conditions for the realization of a right also means that such conditions have to be created and this is why section II (b) of the Philadelphia Declaration states that "the attainment of the conditions in which this shall be possible must constitute the central aim of national and international policy".

187. However, the international community did not stop at indicating such conditions, and, in section IV of the Philadelphia Declaration, expressed its confidence that "the fuller and broader utilisation of the world's productive resources necessary for the achievement of the objectives set forth in this Declaration [universal and lasting peace based on social justice] can be secured by effective international and national action, including measures to expand production and consumption, to avoid severe economic fluctuations, to promote the economic and social advancement of the less developed regions of the world, to assure greater stability in world prices of primary products, and to promote a high and steady volume of international trade".

188. It is worth pointing out that the ILO now has 162 member States, which have accepted all the principles of the Philadelphia Conference without reservations, in accordance with that organisation's practice.

189. At the end of the Second World War in 1945, the link between universal peace and social justice was strengthened by the introduction of the concept of human rights and the establishment of a world organization, the United Nations, for the purpose of dealing with such problems collectively and comprehensively.

190. This is clear from the Chapter of the Charter entitled "International economic and social cooperation", in which Article 55 provides that conditions of stability and well-being which are necessary for peaceful and friendly relations among nations may be created by promoting higher standards of living, full employment and conditions of economic and social progress and

development; universal respect for human rights and fundamental freedoms for all; solutions of international economic, social and health problems; and international cultural and educational cooperation.

191. The international community not only saw the need to direct its efforts towards the achievement of such objectives, but also pledged to do so in Article 56, in the same Chapter of the Charter: "All Members pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55".

192. The Charter thus shows that international peace and security would be possible only in a context of stability and well-being for the achievement of which the international community had pledged to promote both progress and economic and social development, as well as respect for human rights and fundamental freedoms.

193. The Universal Declaration of Human Rights is relevant in the sense that, until it was proclaimed in 1948, the international community's emphasis was on the creation of conditions for maintaining international peace and security, although it was becoming obvious that that concern was linked to the concern for social justice and the social and economic advancement of individuals, which could legitimately be interpreted as the concepts that preceded human rights.

194. Until that proclamation, the international community's emphasis was on the creation of conditions for maintaining international peace and security, although it was becoming obvious that that concern was linked to the concern for social justice and social and economic advancement, which could legitimately be interpreted as the concepts that preceded human rights.

195. When the Universal Declaration was proclaimed, the concept of human rights was expressly formulated in terms of full well-being and recognition of those rights and such well-being because the foundation of freedom, justice and peace in the world, as stated in the first preambular paragraph of the Universal Declaration.

196. Moreover, the international community once again stated as it had done in establishing the ILO, that the recognition of human rights and fundamental freedoms was essential, but not necessarily enough to guarantee their enjoyment by all members of the human family, since the recognition of a right and the existence of appropriate conditions for its full enjoyment are part of an indivisible conceptual whole. Hence the need for and importance of the creation of appropriate conditions in which everyone may enjoy his human rights and fundamental freedoms.

197. From this point of view, article 28 of the Universal Declaration is meaningfully clear: "Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized".

198. It is extremely important to emphasize that, by the mere fact of being referred to in the operative part of the Universal Declaration, the establishment of the above-mentioned social and international order is a human

right in itself and that, just as it is usually considered that the rights embodied in the Declaration give rise to obligations for States, it may be assumed that article 28 also involves an obligation of the international community.

199. The simultaneous adoption of the International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights is, without any doubt, a clear sign of the increasing importance the international community attaches to the creation of conditions in which everyone may enjoy such rights and fundamental freedoms.

200. The international community specifically recognized in the third preambular paragraph of the two Covenants, which is the same in both instruments, that "in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights".

201. This two-way relationship between peace and human rights was reaffirmed in the Proclamation of Tehran, which was adopted by acclamation at the International Conference on Human Rights in 1968. Peace and justice are referred to in the preamble as "indispensable" to the full realization of human rights and fundamental freedoms, while article 11 states that gross denials of human rights "endanger the foundations of freedom, justice and peace in the world".

202. From the viewpoint of the present study, however, the most interesting feature of this Proclamation is the introduction of the concept of economic development in the context of human rights. Article 12 of the Proclamation states that "The widening gap between the economically developed and developing countries impedes the realization of human rights in the international community", thus indicating that the extent of the realization of human rights is in some way linked to the level of economic development.

203. The importance of economic development in the context of human rights as a whole is even clearer if account is taken of the relationship between the level of economic development and full enjoyment of human rights. It is difficult for a population that lives in conditions of underdevelopment, economic crisis and chronic shortages of resources to enjoy the right to an adequate standard of living which ensures employment, health, food, clothing, housing, medical care, social security, education, etc. At the same time, shortages of resources might hamper the effective functioning of a system for the administration of justice.

204. It is also particularly relevant to the present study to refer to the second sentence of article 13 of the Proclamation of Tehran, which is fully in keeping with Articles 1, 55 and 56 of the United Nations Charter and article 28 of the Universal Declaration of Human Rights, since it is the logical consequence of this new awareness of the importance of economic development: "The achievement of lasting progress in the implementation of human rights is dependent upon sound and effective national and international policies of economic and social development".

V.2. National conditions

205. The existence of genuine political will on the part of the State not only to recognize, respect and protect human rights, but also actively to promote their full enjoyment. Such will is without any doubt the basic and essential condition and the starting point of any effort to promote the realization of all human rights. It has to be constantly encouraged by civil society (as opposed to political society), as well as by international action, both governmental and non-governmental.

206. The availability of appropriate resources so that the State may make the necessary investments to maintain a physical and political, administrative and judicial infrastructure in order to contribute to the full realization of all human rights through specific and effective measures in all parts of the territory under its jurisdiction.

207. The existence of the will and organized ability of the population to publicize the rights to which every human being is entitled and to require the State to respect and guarantee all human rights. This monitoring function of citizens in general and non-governmental organizations in particular is also essential.

208. The existence of a free and responsible press which keeps the population fully informed of what is going on in politics and government in order to help consolidate the transparency of government action and promote a dialogue between the government sector and the rest of the population.

209. The establishment of a broad debate between all political groups in a country for the purpose of reaching a consensus on the best strategy for guaranteeing the realization, promotion and protection of all human rights, no matter which group comes to power. This would allow for a common approach to the country's political society and for continuity in the policies eventually adopted.

210. The greatest possible autonomy, both in terms of resources and in terms of decision-making power, for local, municipal and district government so that a dialogue can be established between the authorities and citizens in which citizens may obtain the authorities' agreement to carry out the work, needed locally, thereby promoting the fullest possible participation by the population in public affairs.

211. The greatest possible transparency in government decisions at all levels and the publicizing of such decisions to ensure that as much of the population as possible is properly informed and can thus take a genuine interest in local and national political life.

212. The speedy introduction, as soon as existing procedure permits, of the necessary changes in domestic legislation in order to bring it into line with international human rights norms and to permit ratification of the relevant international instruments to which the State is not yet a party, or if appropriate, accession to them.

213. The existence of an independent and efficient judiciary capable of ensuring the proper and timely administration of justice, in accordance with the rules laid down by international law, something that is the cornerstone of public order and of broad confidence in public institutions, which are essential to a society's normal development.

214. The existence of a national public institution with the necessary competence, resources and independence to protect and promote respect for and enjoyment of all human rights. To achieve this, the institution's origin must lie in a fundamental legal instrument, if possible the Constitution itself, and it must enjoy the full support of the State's highest authorities. Such a national institution could also count among its aims the harmonization of national legislation with the international instruments to which a State is a party, encouragement for the ratification of those instruments, helping to prepare the periodic reports required under certain instruments, advising the competent authorities on the development of educational and research programmes and programmes for the implementation of human rights, in schools, universities, and in the professional sphere, and publicizing human rights through all the mass media.

215. The maintenance of public peace and order with the assistance of a properly paid and trained police force, whose training also covers the basic elements of human rights, to make sure that it can perform its important duties with the full support and confidence of all citizens.

216. A continuing and appropriate supply to all members of the armed forces and the police of information concerning the State's human rights obligations, so as to familiarize them with their responsibilities towards the population.

217. A continuing and appropriate supply to all the members of the judiciary of information on the State's human rights obligations, so that judicial officials are fully aware of the rights protecting citizens.

218. The gradual incorporation of the principal features of human rights doctrine, including established international machinery, in school and university curricula, so that people know their rights from the beginning of their schooling.

219. A constant reminder to people of their duty to respect the rights and freedoms of their neighbours, and to respect the country's various ethnic, racial, linguistic, religious and other characteristics, as the lack of such respect generally leads to various forms and levels of violence and may even give rise to the displacement of some sectors of a population, either internally or to other countries.

220. The realization of integrated projects in the fields of food, health, housing and education, funded by domestic sources and by the international community, with the two-fold aim of providing immediate relief to those sectors of the population living in poverty and affording an opportunity, essentially by means of a decent education, to take an active and productive part in the national economy.

221. The furtherance of a constructive dialogue between the public authorities and indigenous populations, if the latter habitually live in a country's territory, in order to achieve a form of coexistence reconciling, on the basis of mutual respect, the rights and traditional values of those populations and those of the Nation State concerned.

222. The furtherance of a constructive dialogue between the public authorities and any minorities in the country's population, in order to achieve a form of coexistence that implies total respect for the diverse values of both parties.

V.3. International conditions

223. A climate of peace and confidence among the nations of the world, based on a continuing, respectful and constructive bilateral and multilateral dialogue whereby the world's nations can peacefully settle any disputes. Such a climate is of particular importance, as armed conflicts are usually either a direct or an indirect cause of human rights violations.

224. Express and unequivocal recognition by all members of the international community of the universal scope of the principles and rights contained in the Universal Declaration of Human Rights, as well as in the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, as well as in the other fundamental human rights instruments.

225. A continuing and constructive dialogue, based on this recognition, of the universal nature of human rights, whereby States can, frankly, openly and without fear of constant criticism for political ends not necessarily motivated solely by concern for human rights, discuss the enjoyment of human rights in their countries. Such a dialogue would make for confidence-building among States and could identify the most suitable means of helping any country that requests assistance in effectively promoting and protecting all human rights, having regard to the specific features and difficulties of each country or region.

226. All States which have not yet done so should ratify or accede to all the United Nations human rights instruments in order to foster worldwide harmonization of national human rights norms, which would tend to become more uniform because of their common origin in those instruments; this would contribute to the consolidation of the universal nature of human rights and a uniformly developed human rights culture.

227. An integrated approach to international development cooperation so that development projects systematically integrate the action and experience of agencies such as, inter alia, the United Nations Development Programme (UNDP), the World Health Organization (WHO), the International Labour Organisation (ILO), the Food and Agriculture Organization of the United Nations (FAO), the United Nations Scientific and Cultural Organization (UNESCO), since their action has a positive and immediate impact on the enjoyment of various human rights, such as the right to work, to an adequate standard of living, to health, education, and so on.

228. Effective liberalization of the international economy in order for the opening up of major markets under genuine conditions of free competition will

properly spur the growth of the economies of the developing countries. According to the 1992 UNDP Report, as has already been mentioned above, international markets are neither free nor efficient. Such liberalization will contribute not only to the comprehensive growth of the developing countries, but to the gradual reduction of mass migration towards countries offering better living conditions, something which tends to generate international tension and to have an adverse effect on the migrants' enjoyment of their human rights. Clearly, a substantial improvement in the overall living conditions in the developing countries will tend to discourage those sectors of their population who see no alternative but to leave their homes and seek refuge and better living conditions abroad.

VI. CONCLUSIONS AND RECOMMENDATION

VI.1. Conclusions

229. The background to the international community's realization of the importance of creating conditions in which everyone may enjoy his human rights is to be found in the establishment of the International Labour Organisation, with the aim of helping to create the necessary conditions to maintain international peace and security.

230. This initial concern with the maintenance of world peace and security gradually evolved with the introduction, in the Charter of the United Nations, of the concept of the dignity and worth of the human person, until it became a concern with ensuring universal enjoyment of human rights in the Universal Declaration of 1948, which acknowledges that recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace.

231. International peace and security are indissolubly linked to a concept of social justice viewed as "the material well-being and spiritual development" of all peoples, as the international community has recognized since the establishment of the International Labour Organisation in 1919.

232. The maintenance of world peace and security, on the basis of social justice, is as vital for the realization of all human rights, as is the realization of those same rights for the maintenance of international peace and security, from which it may be inferred that they are indissociable elements.

233. The establishment of a social and international order in which the rights and freedoms proclaimed in the Universal Declaration of Human Rights become fully effective is also, per se, a human right and as a result constitutes an obligation for all the members of the international community.

234. The very assertion that the establishment of a social and international order in which all the other rights and freedoms proclaimed in the Universal Declaration of Human Rights become fully effective constitutes a human right itself implies that the formulation and proclamation of human rights is not sufficient to guarantee their full enjoyment, and consequently it is necessary to establish a suitable order, in other words, to bring into being the conditions necessary to achieve that end.

235. Genuine political will to promote, realize and protect all human rights is undoubtedly the major factor in securing full and effective enjoyment of those rights.

236. Economic development is a singularly important factor for the realization of all human rights, since it is through economic development that States obtain the necessary resources to invest in the infrastructure that is indispensable in protecting human rights, such as an independent and efficient judiciary. Part of the public funds thus can be reallocated by the State in the form of investment in vital areas like food, public health, education and housing, in order to eliminate the symptoms of poverty and to avert socio-economic polarization, whose impact on society as a whole can only be detrimental.

237. International cooperation extended in the areas of economic and social development and the universal enjoyment of human rights, so as to create the conditions of stability and well-being necessary for international peace and security, is an obligation for the whole of the international community under the Charter of the United Nations.

238. The importance of creating conditions whereby everyone may enjoy his human rights is clearly reflected in the very existence of the whole system of bodies and specialized agencies set up by the international community to help in achieving the various aspects of the overall well-being of the individual and is expressly referred to in the third preambular paragraph common to the International Covenants on Civil and Political Rights, and on Economic, Social and Cultural Rights.

239. The process of development is not restricted to its economic aspects, to economic growth alone. Development is a comprehensive, economic, social, cultural and political process intended constantly to improve the overall well-being of all the individuals who make up a population, on the basis of their active, free and meaningful participation in the production and distribution of the benefits stemming from development.

240. Development is a human right not only by virtue of the democratic decision taken by the General Assembly of the United Nations on 4 December 1986, when it adopted the Declaration on the Right to Development, but also because development, as defined in the Declaration, is the process whereby all human rights are realized.

241. Furthermore, development is above all a need, one that becomes more pressing each day; the absence of development tends to lead to suffering for millions of human beings, who are thus prevented, by the conditions in which they live, from fully enjoying all their human rights.

242. The prime responsibility for promoting development and the enjoyment of all human rights lies with each individual State, as was expressly recognized in the Declaration on the Right to Development and by the proclamation in 1970 and 1980 of the United Nations Development Decades. The international community has a further obligation to contribute, in so far as it is able, to the national efforts of each State to attain these objectives.

243. Any economic development model that implies, inter alia, substantial cutbacks in public spending, particularly on food, health and education, is likely to have an adverse effect on the enjoyment of human rights, and especially on the economic, social and cultural rights of the poorest sectors of the population.

244. Any approach to the human rights problem must bear in mind that a human being is an entity made up of two inseparable dimensions, the individual and the collective, and may not be reduced to a single one of those dimensions.

245. Development and human rights are two mutually interlinked concepts, to the extent that human rights provide the essential components of the overall well-being of individuals and development is a process whereby all human rights are gradually realized, with the full political and economic participation of individuals. Thus, development and human rights are two sides of the same coin: the overall well-being of the human individual.

246. Human well-being must fully reflect the complex fundamental unity of the individual, i.e., it must entail not only physical well-being, but also mental and social well-being, which means that national efforts must be supplemented by suitable international cooperation in order effectively, comprehensively and simultaneously to promote development and the full enjoyment of all human rights.

247. Democracy, in its various forms, is an expression of the fundamental right of individuals to take part in the government of their country, and is also, consequently, a human right.

248. Active participation by the population in a democracy presupposes a particular level of education, transparency in government administration, a free press and a certain level of income in order to enjoy access to information, which is not generally circulated free of charge.

249. Although people are able to take part in an individual capacity in governing their countries, they generally do so through political parties, interest, pressure or other groups, and as a result individuals tend to exercise their political rights through collective forms of expression.

250. Because a person's acts affect other human beings there is an inescapable social dimension to the exercise of individual freedom, which is the highest expression of the human person's individual dimension. Consequently, a person may not exercise his individual freedom without a minimum of respect for and a sense of responsibility towards the other members of the community.

251. The duties of individuals towards themselves as well as towards the community are a fundamental element of organized social coexistence as well as an integral part of human rights doctrine.

252. The reference to the duties of the individual should in no way be interpreted as signifying that the observance of the human rights obligations of States is contingent upon the observance of duties towards the State. Human rights are an inalienable right of individuals, regardless of their conduct.

VI.2. Recommendations

253. On the basis of the conclusions drawn in this chapter, the World Conference might wish to recommend that the international community take appropriate measures to bring into being the national and international conditions. Thus, the World Conference could adopt the following additional recommendations:

254. The United Nations General Assembly should declare the Universal Declaration of Human Rights an integral part of the Charter of the United Nations.

255. Machinery should be developed for coordination between the various agencies in the United Nations system to offer developing countries integrated assistance projects capable of promoting, as effectively as possible, increased enjoyment of all human rights. The coordinating machinery should also provide for proper coordination with the Centre for Human Rights.

256. The Commission on Human Rights should periodically and systematically examine the situation regarding the enjoyment of human rights in each country of the world, without exception. The examination could be carried out, principally with reference to the rights enshrined in the Universal Declaration of Human Rights and with reference to all the reports submitted by the country in question and considered by the various human rights treaty bodies, as well as to information from the relevant specialized agencies within the United Nations system. Such an examination would be the best guarantee of strict application of the criteria of universality, non-selectivity and objectivity, and would have two consequences of the utmost importance:

(A) Preventive

257. Following the developments in the human rights situation in each country, as seen from such an examination, would make it possible to detect, from the very outset any deterioration in the enjoyment of human rights.

(B) Pedagogical

258. The systematic nature of such an examination would make it possible not only to draw the international community's attention to situations in which human rights were not fully observed, but also to take cognizance of measures adopted in those countries in which human rights were seen to be enjoyed more fully.

259. The Secretary-General should appoint, in consultation with the General Assembly, a high commissioner for human rights whose functions might include responsibility for submitting to the Commission on Human Rights the systematic and periodic examination of the enjoyment of human rights throughout the world referred to in the previous recommendation.

260. The Commission on Human Rights should devote greater attention to problems connected with the enjoyment of economic, social and cultural rights, so as to restore a healthy balance in the treatment given to civil and

political rights, in view of the indivisibility and interdependence of all human rights; to this end, it could consider the creation of non-treaty mechanisms in respect of economic, social and cultural rights.

261. The Commission on Human Rights should also regularly examine the reports of the human rights treaty bodies.

262. The specialized agencies of the United Nations system should prepare an annual consolidated country-by-country report on the degree to which the human rights within their competence are enjoyed (for example, WHO and UNESCO in the case of the right to health and the right to education, respectively) and submit it periodically for consideration by the Commission on Human Rights.

263. An optional protocol should be negotiated and adopted to permit the Committee on Economic, Social and Cultural Rights to consider communications relating to the enjoyment of those rights, in accordance with the conclusions of the Committee. Such information could be an extremely valuable means of ascertaining the effects of government action and international cooperation in this sphere, as well as the impact of the external situation upon the efforts of States parties, and a basis for recommendations to the Centre for Human Rights and the relevant international agencies on the changes needed to achieve the desired objectives.

264. The Centre for Human Rights should be strengthened and reshaped so as to enable it fully to assume its secretariat function deriving from the large number of existing mandates, to gain an overview of the enjoyment of internationally recognized human rights, and to coordinate the activities of the other agencies in the system working to achieve the enjoyment of human rights throughout the world and to maintain a constructive dialogue with all countries about the range of difficulties they encounter in effectively promoting the enjoyment of all human rights.

265. The Centre for Human Rights, in conjunction with UNESCO, should prepare a method for teaching basic human rights concepts capable of being effectively used from the first years of schooling in the various regions of the world.

266. The possibility of providing individuals affected by violations of their human rights with greater access to international bodies be studied, since a human rights doctrine that makes no provision for the subjective capacity of the individual to press his claim to those rights before the relevant bodies might ultimately give greater importance to the rights of States than to those of individuals.

267. The means of strengthening participation by non-governmental organizations in the Commission's decision-making be studied, bearing in mind that it is through such organizations that individuals express themselves.

268. Those States which have not already done so should establish a national public institution with the highest possible legal and political status and responsibility, inter alia, for continuously monitoring the extent to which human rights are enjoyed nationwide, for effectively interceding with the other authorities in cases of violations and for ensuring a frank and constructive dialogue between NGOs and the Government.

269. The World Conference should urge the international community to intensify its efforts to achieve a prompt and effective liberalization of the world economy, and highlight the importance of such liberalization for the development and overall enjoyment of all human rights.

VII. BIBLIOGRAPHY

Alston, Philip. "Revitalising United National Work on Human Rights and Development", in Melbourne University Review, vol. 18, December 1991.

Barsch, Russel. "Democratization and Development", in Human Rights Quarterly, vol. 14, No. 1, February 1992.

Daes, Erica-Irene A. Freedom of the Individual under Law, Study Series 3, E.89.XIV.5. 1990.

Human Rights: A Compilation of International Instruments, United Nations, ST/HR/1/Rev.3, New York, 1988.

Eide, Asbjørn. Report of the Special Rapporteur on the right to adequate food as a human right, E/CN.4/Sub.2/1987/23.

Kunanayakam, Tamara. Annotations to the Declaration on the Right to Development and related United Nations System Instruments, Resolutions and Reports, HR/RD/1990/CONF.1.

Lauterpacht, H. International Law and Human Rights, Stevens & Sons Ltd., London, 1950.

O'Manique, John. "Development, Human Rights and Law", in Human Rights Quarterly, vol. 14, No. 3, August 1992.

UNDP. Human Development Report, UNDP, New York, Oxford University Press, 1992.

The Realization of the Right to Development: Global Consultation on the Right to Development as a Human Right, HR/PUB/91/2, New York, 1991.

The Universal Declaration of Human Rights: a commentary, Eide, Alfredsson, Melander, Refoff & Rosas eds, Scandinavian University Press, Oslo, 1992.

Türk, Danilo. Reports of the Special Rapporteur on the realization of economic, social and cultural rights, E/CN.4/Sub.2/1989/19, E/CN.4/Sub.2/1990/19, E/CN.4/Sub.2/1991/17 and E/CN.4/Sub.2/1992/16.

Van Boven, Theo. "Human Rights and Development: Rhetorics and Realities", in Fortschritt im Bewußtsein der Grundund Menschenrechte, Nowak, Steurer & Tretter eds, Engel Verlag, Kehl am Rhein, 1988.

Van Boven, Theo. People Matter. Views on International Human Rights Policy, Meulenhoff, Amsterdam, 1982.